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SYED S. ALI

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EXAMINER

SING, SIMON P

ART UNIT

PAPER NUMBER

2614

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/296,538	Applicant(s) ALI ET AL.	
	Examiner SIMON SING	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-17, 19, 20, 22-26, 28 and 30-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-17, 19, 20, 22-26, 28, 30 and 31 is/are rejected.
- 7) ☒ Claim(s) 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments, during the telephone interview dated on 10/06/2008, with respect to claims 1, 12, 22, 28 and 30 have been fully considered and are persuasive. Therefore, the final rejection mailed on 08/04/2008 has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Harada US 6,202,025.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7, 11-15, 19, 22-26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal US 6,411,685 in view of Gulick US 5,483,577 and further in view of Harada US 6,202,025.

2.1 Regarding claim 1, O'Neal discloses a voice messaging system in figure 1, comprising:

a controller (a voice messaging system inherently comprises a controller, or processor, column 4, line 41 to column 5, line 1);

Art Unit: 2614

a user accessible voice message memory (InBox; figures 9 and 18) for storing user accessible voice message(s); and

a deleted voice message memory (Trash Bin; figure 9) for storing deleted voice message(s) (column 9, lines 55-59).

O'Neal teaches that after a voice message has been played back to a user, the user may delete the voice message from the InBox (obviously upon by an activation of a user selectable option, such as a delete command from a computer keyboard if voicemail retrieval is through Internet, or from a telephone keypad if voicemail retrieval is through PSTN 160; figures 1 & 2A; column 7, lines 65 to column 8, line 3), the deleted voice message is then removed from the InBox and stored in the Trash Bin (column 9, lines 14-38, 55-59). O'Neal fails to teach automatically compressing the deleted voice message in the Trash Bin.

However, Gulick teaches that voice data of voice messages are preferably compressed to reduce storage area, or memory requirement (column 2, lines 18-25), and Harada teaches that deleted data are compressed to enlarge storage area (column 3, lines 23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teachings of Gulick and Harada, so that in order to reduce memory requirement of the Trash Bin, the voice messaging system would have automatically compressed the deleted voice message before stored the deleted voice message in the Trash Bin. The motivation for

Art Unit: 2614

such a modification was to enlarge the memory (to increase storage capability) of the Trash Bin so that more deleted voice messages could be stored as taught by Harada.

2.2 Regarding claim 2, O'Neal teaches a telephone system 108 for interfacing with a PSTN in figure 1.

2.3 Regarding claim 3, O'Neal teaches moving a deleted voice message from the Trash Bin back to the InBox, and it is obvious that a compressed voice message can be played back by de-compressing (column 9, lines 62-65).

2.4 Regarding claim 4, O'Neal teaches expunging the deleted voice message from the Trash Bin (column 9, lines 62-65).

2.5 Regarding claim 5, O'Neal teaches using a computer 20 to access the voice messaging system for retrieving a voice message (column 9, lines 14-38), and it is obvious that a user is able to highlight the deleted voice message in the Trash Bin and press a delete key from the computer keyboard to permanently delete the deleted voice message (column 9, lines 59-62).

2.6 Regarding claim 7, the modified O'Neal reference, further teaches deleting deleted data when memory space becomes insufficient (Harada, column 3, lines 14-17).

Art Unit: 2614

2.7 Regarding claim 11, it is inherent that a compressed voice message has a lower bit rate than a un-compressed voice message.

2.8 Regarding claim 31, as stated above, the voice message stored in the In Box is un-compressed, and then compressed when deleted and moved to the Trash Bin.

2.9 Regarding claim 12, O'Neal discloses a method for retrieving and deleting a voice message in voice messaging system, comprising:

automatically moving a user deleted voice message from a user accessible first memory (InBox; figures 9 and 18) to a second memory (Trash Bin; figure 9) after played back and upon activation of a user selectable keypad option, such as a delete command from a keypad (obviously by a command from a computer keypad if voicemail retrieval is through Internet, or from a telephone keypad if voicemail retrieval is through PSTN 160; figures 1 & 2A; column 7, lines 65 to column 8, line 3; column 9, lines 14-59).

O'Neal teaches moving the voice message to the Trash Bin upon user deletion, but fails to teach automatically compressing the deleted voice message in the Trash Bin.

However, Gulick teaches that voice data of voice messages are preferably compressed to reduce storage area, or memory requirement (column 2, lines 18-25), and Harada teaches that deleted data are compressed to enlarge storage area (column 3, lines 23).

Art Unit: 2614

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teachings of Gulick and Harada, so that in order to reduce memory requirement of the Trash Bin, the voice messaging system would have automatically compressed the deleted voice message before stored the deleted voice message in the Trash Bin. The motivation for such a modification was to enlarge the memory (to increase storage capability) of the Trash Bin so that more deleted voice messages could be stored as taught by Harada.

2.10 Regarding claim 13, O'Neal teaches moving a deleted voice message from the Trash Bin back to the InBox, and it is obvious that a compressed voice message can be played back by de-compression (column 9, lines 62-65).

2.11 Regarding claim 14, O'Neal teaches inputting a password to access the voice messaging system (column 9, lines 18-20, 62-65).

2.12 Regarding claim 15, O'Neal teaches expunging the deleted voice message from the Trash Bin (column 9, lines 62-65).

2.13 Regarding claim 19, the modified O'Neal reference, further teaches deleting deleted data when memory space becomes insufficient (Harada, column 3, lines 14-17).

Art Unit: 2614

2.14 Regarding claim 22, O'Neal discloses a voice messaging system in figure 1, comprising:

means for automatically moving a user deleted voice message stored in a user accessible first memory area (InBox; figures 9 and 18) upon activation of a user selectable keypad option (obviously such as a delete command from a computer keypad if retrieval through Internet, or from a telephone keypad though PSTN 160; figures 1 & 2A; column 7, lines 65 to column 8, line 3) to delete said voice message from the first memory area after played back (column 9, lines 55-59);

means for storing said deleted voice message in a deleted memory area (Trash Bin; figure 9; column 9, lines 55-59); and

means for retrieving the deleted voice message from the Trash Bin (column 9, lines 62-65).

O'Neal teaches moving the voice message to the Trash Bin upon a user deletion, but fails to teach automatically compressing the deleted voice message in the Trash Bin.

However, Gulick teaches that voice data of voice messages are preferably compressed to reduce storage area, or memory requirement (column 2, lines 18-25), and Harada teaches that deleted data are compressed to enlarge storage area (column 3, lines 23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teachings of Gulick and Harada, so that in order to reduce memory requirement of the Trash Bin, the

Art Unit: 2614

voice messaging system would have automatically compressed the deleted voice message before stored the deleted voice message in the Trash Bin. The motivation for such a modification was to enlarge the memory (to increase storage capability) of the Trash Bin so that more deleted voice messages could be stored as taught by Harada.

2.15 Regarding claim 23, O'Neal teaches inputting a password to access the voice messaging system (column 9, lines 18-20, 62-65).

2.16 Regarding claim 24, O'Neal teaches using a computer 20 to access the voice messaging system for retrieving a voice message (column 9, lines 14-38), and it is obvious that a user is able to highlight the deleted voice message in the Trash Bin and press a delete key from the computer keyboard to permanently deleting the deleted voice message (column 9, lines 59-62).

2.17 Regarding claims 25 and 26, the modified O'Neal reference, further teaches deleting deleted data when memory space becomes insufficient (Harada, column 3, lines 14-17).

3. Claims 6, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal US 6,411,685 in view of Gulick US 5,483,577 and further in view of Harada US 6,202,025 and further in view of Murray US 5,369,697.

The modified O'Neal reference teaches deleting the voice message from the InBox and storing the deleted voice message in the Trash Bin. O'Neal further teaches expunging the deleted voice message in the Trash Bin, but fails to teach expunging (deleting) the deleted voice message is based on a predetermined condition such as a time length or time interval.

However, Murray teaches automatically deleting old voice messages after a time period (column 4, lines 25-26, 29-30).

Therefore, since the voice message in the Trash bin is an old message (being played to a user), it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the O'Neal's reference with the teaching of Murray, so that old voice messages in the Trash Bin would have been automatically deleted after a predetermined time period. The motivation for such a modification was to free up memory space for newly deleted message(s).

4. Claims 7, 8, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal US 6,411,685 in view of Gulick US 5,483,577 and further in view of Harada US 6,202,025 and further in view of Garson et al. US 5,689,550.

The modified O'Neal reference teaches deleting the voice message from the InBox and storing the deleted voice message in the Trash Bin. O'Neal further teaches expunging the deleted voice messages in the Trash Bin, but fails to teach deleting an

Art Unit: 2614

oldest voice message stored in the Trash Bin when deleted voice messages reach a predetermined number.

However, Garson discloses an interactive voice messaging system. Garson teaches that when voice messages in a "delete queue" (a memory area) reaches its limit by percentage of the memory area, or by number of call (messages), the oldest records are deleted (column 16, lines 23-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the O'Neal's reference with the teaching of Garson so that the oldest voice message in the Trash Bin would have been automatically and permanently deleted when the deleted voice messages reached a predetermined number. The motivation for such a modification was to free up memory space for newly deleted message(s).

5. Claims 9, 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal US 6,411,685 i in view of Gulick US 5,483,577 and further in view of Harada US 6,202,025 and further in view of Sweet et al. US 5,163,085.

The modified O'Neal reference teaches deleting the voice message from the InBox and storing the deleted voice message in the Trash Bin. O'Neal further teaches expunging the deleted voice messages in the Trash Bin, but fails to teach deleting the deleted voice messages from the Trash Bin when its memory reaches a predetermined percentage of the capacity.

However, Sweet discloses a digital voice storage and retrieval system in figure 2. Sweet teaches that when voice messages in a voice file (memory) reach a predetermined percentage level, the oldest voice messages in the voice file will be deleted (column 12, lines 53-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the O'Neal's reference with the teaching of Sweet so that the oldest deleted automatically and permanently deleted when the memory of the Trash Bin reached a predetermined percentage of its capacity. The motivation for such a modification was to free up memory space for newly deleted message(s).

6. Claims 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal US 6,411,685 in view of Gulick US 5,483,577 and further in view of Harada US 6,202,025 and further in view of Tow EP 820182.

O'Neal discloses a voice messaging system in figure 1, comprising:

a controller (a voice messaging system inherently comprises a controller, or processor);

a user accessible voice message memory (InBox; figures 9 and 18) for storing user accessible voice message(s); and

a deleted voice message memory (Trash Bin; figure 9) for storing deleted voice message(s) (column 9, lines 55-59).

Art Unit: 2614

O'Neal teaches that after a voice message has been played back, a user deletes the voice message from the InBox (obviously by activating a user selectable keypad option, such as a delete command from a computer keypad if retrieval through Internet, or from a telephone keypad though PSTN 160; figures 1 & 2A; column 7, lines 65 to column 8, line 3), the voice message is removed and stored in the Trash Bin (column 9, lines 14-38, 55-59).

O'Neal teaches moving the deleted voice message to the Trash Bin, but fails to teach automatically compressing the deleted voice message in the trash Bin. O'Neal also fails to teach that the memory space of the Inbox and the Trash Bin (deleted mailbox) are dynamically adjusted to optimize memory space available.

However, Gulick teaches that voice data of voice messages are preferably compressed to reduce storage area, or memory requirement (column 2, lines 18-25), and Harada teaches that deleted data are compressed to enlarge storage area (column 3, lines 23).

In addition, Tow teaches dynamically modifying disk space for mailboxes (column 1, lines 5-10), and when messages are deleted from, or added to a mailbox, the disk space is reduced or increased accordingly (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teachings of Gulick, Harada and Tow, so that in order to reduce memory requirement of the Trash Bin, the voice messaging system would have automatically compressed the deleted voice message before stored the deleted voice message in the Trash Bin, and memory

Art Unit: 2614

space of the mailboxes (InBox and deleted mailbox/Trash Bin) would have been dynamically adjusted when messages were added to or deleted from. The motivation for such a modification was to enlarge the memory (to increase storage capability) of the Trash Bin so that more deleted voice messages could be stored as taught by Harada, and to allocate memory space based on actual usage as taught by Tow.

Allowable Subject Matter

7. Claim 32 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior on record fails to teach further compress a compressed voice message upon deletion.

Response to Arguments

8. Applicant's arguments with respect to claims 1-9, 11-17, 19, 20, 22-26, 28, 30-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM.

Art Unit: 2614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

/Fan Tsang/

Supervisory Patent Examiner, Art Unit 2614

/Simon Sing/

Examiner, Art Unit 2614

10/17/2008